S T A T E O F N E W Y O R K

9944

I N A S S E M B L Y

June 2, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lavine) -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize Darwyn Byer to apply for accidental disability retirement benefits from the New York state and local police and fire retirement system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Notwithstanding any other provision of law, Darwyn Byer, who is employed by the Nassau County Police Department since March 31, 1995 and is a member of the New York state and local police and fire retirement system for approximately 17 years, was injured on December 26, 2002 as the result of an on the job accident. Notwithstanding any rule, regulation or law to the contrary, he shall be entitled to file for an accidental disability retirement benefit provided by the New York state and local police and fire retirement system. Such application will be based upon the full duty standard of a police officer rather than utilize a light duty standard. Such application must be filed with the New York state and local police and fire retirement system pursuant to section 363 of the retirement and social security law no later than December 31, 2014.

S 2. All costs associated with the implementation of this act shall be borne by the county of Nassau.

S 3. This act shall take effect immediately.

FISCAL NOTE-- Pursuant to Legislative Law, Section 50:

This bill would provide a different standard for an accidental disability retirement benefit determination for Darwyn Byer than is currently required by regulations promulgated by the State Comptroller. Specifically, the bill would require that the State Comptroller render a determination as to whether Mr. Byer is entitled to such disability benefit based upon a "full duty standard" rather than the "light duty standard" required by Title 2 of the New York Codes, Rules and Regulations Part 364 for such a determination on an application for benefits filed by or on behalf of Darwyn Byer or anyone else similarly situated.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10989-02-4

If this bill is enacted and a disability benefit is granted, there will be an immediate past service cost of approximately $432,000 which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 15, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-122, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.